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**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:	Case No. BK-S-06-10725-LBR
USA Commercial Mortgage Company,	Chapter 11
Debtor.	<b>Ex Parte Motion to Terminate Employment of Claims Agent</b>

The USACM Liquidating Trust, Geoffrey Berman, Trustee, moves this Court for an order terminating the appointment of BMC Group, Inc. ("BMC") as the claims agent for Debtors' estates. This motion is based upon the following memorandum of points and authorities.

**Memorandum**

On April 24, 2006, USA Commercial Mortgage Company ("Debtor") sought ex parte authority pursuant to 28 U.S.C. § 156(c) approving an agreement with BMC and appointing BMC as the claims and noticing agent of the Bankruptcy Court. This Court entered its order on April 25, 2006 at Docket 51 granting the ex parte application, and entered an amended order on May 4, 2006 at Docket 149.

After confirmation of the liquidating plan, the USACM Liquidating Trust (the "Trust") became the successor to Debtor. The Trust continues to pay the charges of BMC as claims and noticing agent. BMC further hosts a website that provides information to creditors and interested parties without third party charge.

1 The approximate monthly charge for BMC's services is about \$1,000. The Trust  
 2 believes that it is no longer in the best interest of the Trust's beneficiaries to incur this  
 3 expense. All of the claims have been allowed or disallowed and a claims list has been  
 4 prepared. The court docket is available on Pacer. The remaining functions of BMC are to  
 5 process changes of address by claimants and to maintain the website. These functions are  
 6 of limited utility as the Trust winds down and is preparing to liquidate its remaining assets  
 7 and make one final distribution to creditors.

8 The creditor matrix and list of beneficiaries with allowed claims would be  
 9 maintained by Development Specialists, Inc. on behalf of the Trustee. The services  
 10 provided by BMC will no longer be necessary.

### 11 Request for Relief

12 The Trust requests that this Court enter its order authorizing the Trust to terminate  
 13 employment of BMC Group, Inc. as claims and noticing agent for Debtors' estates, and  
 14 terminate its listing of court filings. A proposed ex parte order is submitted for the  
 15 convenience of the Court.

16 Dated: November 18, 2014.

17 **LEWIS ROCA ROTHGERBER LLP**

18 By /s/ Robert M. Charles, Jr. (#6593)

19 Robert M. Charles, Jr. (NV 6593)

20 *Attorney for USACM Liquidating Trust*

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**CERTIFICATE OF SERVICE**

1. On November 18, 2014, I served the following documents:

**Motion to Terminate Employment of Claims Agent**

2. I served the above-named document by the following means to the persons as listed below:  
(*Check all that apply*)

☒ **a. ECF System** (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)

See attached list

☐ **b. United States mail, postage fully prepaid**  
(*List persons and addresses. Attach additional paper if necessary*)

☐ **c. Personal Service** (*List persons and addresses. Attach additional paper if necessary*)  
I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place or abode with someone of suitable age and discretion residing there.

☐ **d. By direct email (as opposed to through the ECF System)**  
(*List persons and email addresses. Attach additional paper if necessary*)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** (*List persons and fax numbers. Attach additional paper if necessary*)  
Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ **f. By messenger** (*List persons and addresses. Attach additional paper if necessary*)  
I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (*A declaration by the messenger must be attached to this Certificate of Service*).

I declare under penalty of perjury that the foregoing is true and correct.

Signed on November 18, 2014

Renee L. Creswell  
(NAME OF DECLARANT)

/s/ Renee L. Creswell  
(SIGNATURE OF DECLARANT)

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**Order Approving USACM  
Liquidating Trust's Motion to  
Terminate Employment of Claims  
Agent**

Pursuant to the USACM Liquidating Trust, Geoffrey Berman, Trustee's Motion to Terminate Employment of Claims Agent, and good cause appearing,

IT IS ORDERED granting the Motion.

The USACM Liquidating Trust is authorized to terminate the servicing agreement with BMC Group, Inc. and to satisfy the obligations owed to BMC through the date of termination.

1 PREPARED AND RESPECTFULLY SUBMITTED BY:

2 **LEWIS AND ROCA LLP**

3  
4 By /s/ Robert M. Charles, Jr. (#6593)

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Submitted by:  
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By: /s/ Robert M. Charles, Jr. (#6593)  
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